



City of Rockville

## MEMORANDUM

April 27, 2007

TO: Board of Appeals

FROM: Margaret Hall, Planner II *MH*

VIA: Jim Wasilak, Chief of Planning *RJW*

SUBJECT: Appeals Application APP2007-00876, Rockville Corporate Center, LLC

Attached is the information related to the above-referenced Appeals application. The application was filed as an administrative appeal to staff's decision not to issue building permit BLD2007-13010, filed pursuant to approved Use Permit application U-279-83. The Use Permit for the property, at the northwest corner of Gude Drive and MD 355, was approved in 1983 for four office buildings and associated surface parking lot. To date, two of those approved buildings have been constructed. As noted in the attachments, it is staff's determination that the building permit for the third building could not be issued as filed due to noncompliance with the approved Use Permit site plan, current zoning regulations, and the Forest and Tree Preservation Ordinance (FTPO).

An index to the materials follows.

/rjw



## **Table of Contents**

### **Appeals Application APP2007-00876**

- Application Form
- Letter from Scott C. Wallace, Linowes and Blocher LLP explaining reason for Appeal, includes
  - Exhibit "A" Approval Letter for Use Permit Application U-279-83
  - Exhibit "B" Approved Site Plan dated March 7, 1985
  - Exhibit "C" Scott Ullery, City Manager's letter date January 7, 2007
  - Exhibit "D" Zoning Compliance Letter to Corporate Office Properties, L.P. and Anchor Title Insurance Company date March 22, 2005
- Yellow card separating original submission from subsequent submissions
- Letter dated April 4, 2007 from Scott Wallace to Art Chambers
- Letter dated April 11, 2007 from Scott Wallace to Art Chambers

### **Motion to Dismiss from City Attorney's Office**

- Prepared Motion
- Attachment A – January 2, 2007 letter to Sean Moore from Scott Ullery
- Attachment B – January 9, 2007 e-mail from Kevin J. Johnson to Lise Soukup
- Attachment C – January 12, 2007 letter from Kevin J. Johnson to Elise Cary
- Attachment D – Application for Forest Conservation Plan (FCP) Review – received January 18, 2007
- Attachment E – Forest Conservation Plan Review dated February 26, 2007
- Attachment F – Letter from Susan T. Straus to Geoff Ciniero dated March 16, 2007
- Attachment G – Ordinance 28-04, changing the Text of Sec. 25-193
- Attachment H – Chapter 10.5 Forest and Tree Preservation Ordinance

### **Zoning Compliance Letters**

- September 17, 1997 – Letter from Lisa W. Rother to Mr. Burr Ault
- July 10, 1998 – Letter from Kathleen A. Mitchell to Stephen J. Orens
- May 1, 2000 – Letter from Lisa Rother to Jeff Fuller
- March 22, 2005 – Letter from Scott E. Parker to Corporate Office Properties, L.P. and Anchor Title Insurance Company

### **General Correspondence**

- Letter dated March 17, 2006 from R. James Wasilak to Sean Moore – status of Approval
- Letter dated June 19, 2006 from Lise Soukup to Geoff Ciniero - conditional approval of the SWM concept plan

- Letter, dated October 16, 2006 from Susan Straus to Sean Moore – conditional SWM concept approval
- Letter, dated November 27, 2006 from Scott Ullery to Sean Moore – confirming the substance of November 21, 2006 telephone conversation
- Letter dated January 2, 2007 from Scott Ullery to Sean Moore
- Letter, dated January 12, 2007 from Kevin Johnson to Elise Cary submitting the Forest Stand Delineation application and the fee.
- Forest Conservation Plan Review dated January 19, 2007 suspending review of the FTP2005-00025
- Forest Conservation Plan Review dated February 26, 2007, 2007 suspending review of the FTP2005-00025
- Letter from Scott Wallace to Elise Cary claiming that all further proceeding with respect to the Building Permit are stayed pending action on the Appeal.
- Letter dated April 5, 2007 from Jim Wasilak to Sean Moore
- Letter dated April 5, 2007 from Charles Baker to Sean Moore

**Memorandum from Sean Moore to Scott Ullery, City Manager**

- Dated November 9, 2006 – Outlines development options that Corporate Office Properties Trust has studied in an effort to maximize the forested buffer area

**Use Permit U-279-83 – for four office buildings containing a total of 446,000 square feet of gross floor area**

- Application – submitted June 24, 1983
- Approval letter dated October 13, 1983
- Landscape Plan approval letter dated August 9, 1984
- Time Extension Letter dated November 8, 1984
- Approved Site Plan dated March 7, 1985
- Approved Landscape Plan dated August 9, 1984

**Use Permit Amendment USA1983-0279A – for the placement of an emergency generator pad site and a temporary road**

- Application, submitted July 30, 1999
- Letter dated October 8, 1999 deleting the road from the application
- Approval letter dated October 27, 1999
- As Submitted Site Plan - the approved site plan is not in the file

**Use Permit Amendment USA1983-0279B – for the placement of a hazardous waste storage building.**

- Application, submitted May 14, 2001
- Approval letter dated May 29, 2001



- Approved Site Plan dated May 31, 2001
- Approved Landscape Plan dated May 31, 2001

**Use Permit Amendment USA83-0297C – for an enclosed storage area for nitrogen tanks**

- Application, submitted May 16, 2001
- Approval Letter dated May 29, 2001
- Approved Site Plan dated May 30, 2001
- Approved details for micro bulk tank pad foundation, pad and tank
- Approved details for landscaping surrounding the enclosure and wall elevations and details

**Use Permit Amendment USA1983-0279D – for an entrance plaza in front of 15 West Gude Drive**

- Application, submitted June 6, 2006
- Approval Letter dated September 15, 2006
- Approved Site Plan dated September 15, 2006
- Approved Landscape Plan dated September 15, 2006

**Use Permit Amendment USA1983-0279E – To adjust building footprints and setbacks, parking layout and number of spaces provided and place above-ground generators and transformers.**

- Application, submitted June 16, 2006
- Traffic Impact Analysis, dated June 16, 2006
- Overall Site Plan
- Site Plan
- Utility Plan
- Existing Conditions Plan
- Approved Site Plan approved March 7, 1985